

Appl. No. 10/521,180  
Amdt. dated November 17, 2008  
Reply to Final O.A. of August 18, 2008

REMARKS

Claims 17 and 20-36 remain in this application.

Claims 1-16 and 18-19 have been canceled.

Claims 23-29 and 34 stand withdrawn from consideration.

Claim 17 has been revised by the addition of the language of former claims 18-19. It has also been changed by the addition of language which more clearly sets forth that the surfaces which have microscopic indentations are the valve sealing faces.

The examiner's allowance of claims 20 and 21 is acknowledged with appreciation.

Claims 17-19, now claim 17, and claims 22, 30-33, 35 and 36 have been rejected under 35 U.S.C. 103(a) as unpatentable over Claxton et al. (US 4,417,694) in view of Takenaka et al. (US 4,509,803). Reconsideration of the rejection is required.

The examiner's attention is directed to the language of former claims 18 and 19, which language has now been incorporated into claim 17. Former claim 18 required that the microscopic indentations are embodied individually and are separate from one another. Former claim 19 further required that the microscopic indentations are embodied as dimples. These limitations are now part of independent claim 17.

Takenaka et al. lacks any disclosure of dimples that are all of the same kind and that are clearly separated from one another. In Takenaka et al., a surface with a given roughness is proposed as illustrated in Fig. 1A. As one can see, there are no separated dimples, but a general roughness resembling a wave pattern.

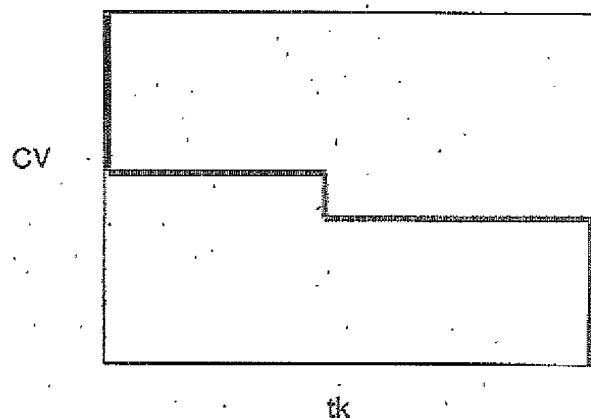
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The analysis of this pattern is given in Fig. 1B: Defining level A1 as the highest level of a ridge, and A2-A14 as levels which are recessed from the level of A1 by a given distance; the values  $t_k$  are calculated by the sum of all cutting lengths in relation to the total arbitrary length L; thus,  $t_1$  is 0%, since the line A1-A'1 cuts the surface at no point, and  $t_{14}$  is 100%, since the line A14-A'14 cuts through the surface at the whole length L.

In Fig. 1A, the example of A5-A'5 is shown. The line A5-A'5 cuts through the surface at the lengths  $l_1$ ,  $l_2$ , and  $l_3$ , resulting in about  $t_5 = 35\%$  when the sum of  $l_1$ ,  $l_2$ , and  $l_3$  is divided by L. Plotting the value of  $t_k$  in relation to the depth CV of the respective level A ... A' gives the curve in Fig. 1B, which clearly shows that there are no separated dimples. If there were separated dimples in Takenaka et al., the curve in Fig. 1B should look like this:



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In Takenaka et al., there is a distribution of micropores of different depths and diameters, but there are no separate dimples. For these reasons, amended claim 17 is not rendered obvious in view of the combined teachings of Claxton et al. and Takenaka et al.

And further, in the rejection the examiner cites Claxton et al. for a teaching of the basic fuel injection valve structure recited in claim 17, but without the microscopic indentations on the valve sealing face and/or the valve seat as additionally recited in claim 17.

Takenaka et al. is cited for a teaching of “microscopic etchings for use on sliding members, specifically for use on a valve guide or other members which slide with respect to each other.”

At col. 5, lines 14-23, Takenaka et al. actually teaches:

A sliding member according to the present invention can be used as a member of a rotary compressor, a swash plate-type compressor, a thrust washer, a slide bearing, a valve **guide**, a floating- or semi-floating-type bearing of a supercharger, a mechanical seal of a supercharger or rotary pump, and the like. The advantages attained when a sliding member according to the present invention is used as a member of a rotary compressor, a swash plate-type compressor, or a mechanical seal are hereinafter described.

The word “valve” is not found elsewhere in the specification or claims of Takenaka et al. As to the words “mechanical seal,” Takenaka et al. explains at col. 6, lines 15-31, that:

A mechanical seal is used for providing a gas- or liquid-proof shaft assembly. Usually, a member made of graphite and a member made of carbon steel are assembled to manufacture a mechanical seal in which both members are pressed against and **slide** relative to each other at a high surface pressure and one of the members is rotated relative to the other member. The above-described mechanical seal is neither highly gas- or liquid-proof nor highly resistant to seizure if the members are conventionally surface-finished. When one or both of the above members have micropores according to the present invention, the gas- or liquid-proofness is enhanced, presumably because the surface-shape of the

above members having micropores remains unchanged and the lubricating oil is retained in the micropores. In addition, the seizure resistance and the friction characteristics are considerably enhanced.

It is clear from a proper understanding of the teachings found at col. 6, lines 15-31, that the “mechanical seal” referred to in Takenaka et al. is actually a seal formed at the contact surfaces of a stationary member and a rotating or sliding shaft, which are entirely different from the surfaces which open and close a valve.

Based on the teachings in Takenaka et al., the examiner has concluded that it would have been obvious to have modified the fuel injection valve structure of Claxton et al. with the microscopic etching of Takenaka et al. in order to improve sealing on the valve member as well as provide lubrication to the fuel injection valve. See, page 3 of the rejection.

It is believed that the combination of references applied by the examiner in his prior art rejection does not teach or suggest the claimed invention for at least the additional four following reasons:

1. The Takenaka et al. disclosure is directed towards **sliding** seals such as found in rotary devices, valve guides and bearings as described by Takenaka et al. at col. 5, lines 14-19. In all instances disclosed by Takenaka et al. the surfaces slide with respect to each other, they do not move straight away from and towards each other, making contact and only then closing a valve as applicants’ surfaces do. All of the devices of Takenaka et al. have structures and motion characteristics which are different from the closing surfaces of a fuel injection valve as recited by applicants.

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Particular attention should be noted of the location of the microscopic indentations recited in claim 17. Claim 17 requires that the microscopic indentations be provided on the valve sealing face and/or the valve seat of the fuel injection valve. Thus, in applicants' invention, the microscopic indentations are part of the seal that is formed to keep fuel which is under pressure in chamber 19 from escaping through openings 11 when the valve needle is in its closed or sealed position. When in the closed position, there is absolutely no movement between applicants' structure, seat 9 and valve needle surface 7. When in the closed position, these surfaces are forced together by the closing force of the injection valve as mentioned in paragraph 4 and elsewhere in the specification. The shape of conical seat 9 and substantially mating conical surface 7, plus the force with which they are moved together and held closed, do not permit for any relative movement between these surfaces once the valve is closed. The only motion for applicant's surfaces are directly towards and/or directly away from each other. No rubbing motion is involved whatsoever.

In contrast to this, in Takenaka et al., in every one of the listed environments, listed by Takenaka et al. at column 1 line 8, column 4 line 53, and column 5 lines 14-23, the micropores are used to help lubricate parts which are continuously moving with respect to each other in sliding and rubbing motions. In Takenaka et al. the micropores are never used to help close a valve structure.

As taught in applicants' specification:

[t]he valve seat and the valve sealing face are embodied as at least substantially conical. Because of the short opening times of the fuel injection valve, the valve needle must be moved with very great forces, if suitably short switching times are to be attained. The valve needle

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therefore attains high speeds, with which, with its valve sealing face, it **strikes** the valve seat in the closing motion. (spec., para. 3, emphasis added)

and

[s]trong forces and hence high accelerations therefore act on the valve needle 5 and cause the valve needle 5 to **strike** the valve seat 9 at high speed; in operation of the fuel injection valve, the sealing edge 30 is **hammered** into the valve seat 9 somewhat as a result, resulting in an adaptation between the valve sealing face 7 and the valve seat 9. (spec., para. 22, emphasis added)

The force of a fuel injection valve needle striking a valve seat is akin to a hammer striking an anvil. It is more an impact force than a friction force. Thus, the problem with which Takenaka et al. is concerned, one of reducing the wear of two surfaces as a result of sliding friction, is entirely different from the problem solved by applicant's invention, namely, reducing wear of two surfaces as a result of the impact of the injection valve needle striking the valve seat.

Thus, the teachings found in Takenaka et al. are not from the same environment as applicants' structure and relate to an entirely different problem. Accordingly, there is no reason why one skilled in the art would have looked to the teachings in Takenaka et al. to find a solution to the problem confronting the applicants, namely that of wear of surfaces which are repeatedly brought together into contact to close a valve.

Moreover, as pointed out in applicants' disclosure, avoiding wear of the valve sealing surfaces, and thus maintaining constant characteristics for the closing properties of the injection valve is critical to obtaining a longer life of the fuel injection valve, see paragraphs 3, 4, 5 and 7 of the specification. The present invention significantly helps to maintain the same injection characteristics for each injection event of the fuel injection valve for a much longer valve life, a property which is critical in obtaining continued service life and constant fuel injection properties for the entire service length of the fuel injection valve.

There is nothing in Takenaka et al. which in any way suggests that the properties of the sealing faces of any valve, much less of a fuel injection valve, would be improved by the addition of microscopic indentations on the valve sealing face and/or the valve seat of a valve, since Takenaka et al. are not concerned with valve closing surfaces, but rather are concerned with the rubbing or sliding surfaces of moving members.

2. The structure of Takenaka et al. is directed towards devices which are lubricated with lubricating oil, see col. 7, lines 8-9 and col. 8, lines 46. This point again makes the structure of Takenaka et al. entirely different from applicants' fuel injection valve. Applicants' injection valve acts on the fuel itself, and the only lubrication is from this fuel itself. The fuel is a liquid which has entirely different properties than does any lubricating oil. There is simply no way that lubricating oil could be maintained in applicant's microscopic indentations. Being part of a fuel injection valve, the fuel would quickly wash any such lubricating oil from the microscopic indentations.

3. The micropores in Takenaka et al. are formed differently from the indentations in the application. None of the production methods recited in claim 33 are disclosed by Takenaka et al. Being made by different processes, the micropores in Takenaka et al. would thus have structure which is different from the structure of the microscopic indentations generated by the methods recited in applicants' claim 33.

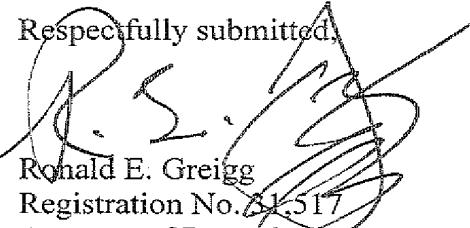
4. In col. 9, lines 4-7, Takenaka et al. state that long scratches do not fall within the claimed definition of their micropores. Applicants' use of grooves as one species highlights the difference between the structure, purpose and use of applicants' microscopic indentations in a fuel injection valve and the micropores of Takenaka et al. which are used in sliding applications

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as opposed to applicants' application in which there is no sliding of the needle 5 and its surface 7 with respect to the seat 9.

Accordingly, claim 17 and its dependent claims are not rendered obvious by the combined teachings of Claxton et al. and Takenaka et al.

Entry of the amendment and allowance of the claims are again courteously solicited.

Respectfully submitted,  
  
Ronald E. Greigg  
Registration No. 31,517  
Attorney of Record  
**CUSTOMER NO. 02119**

GREIGG & GREIGG, P.L.L.C.  
1423 Powhatan Street  
Suite One  
Alexandria, VA 22314

Tel. (703) 838-5500  
Fax. (703) 838-5554

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